



Equal Employment Opportunity Commission

Milwaukee District Office
310 West Wisconsin Avenue, Suite 800
Milwaukee, WI 53202 (414) 297-1111

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City Of Milwaukee- Fire & Police Co
200 E. Wells Street, Rm 800
Milwaukee, WI 53202

Jun 6, 2002

Charge No. 260A200714

A L Jones

vs.

City Of Milwaukee- Fire & Police Co

Dear Sir/Madam:

Your organization is hereby requested to submit information and supporting documentation as indicated on the attached "Request for Information." Include corroborative evidence and/or names of witnesses. Any witness statements submitted should be in the form of affidavits sworn under penalty of perjury. This request for information does not necessarily represent the entire body of evidence which we will need to obtain from you to make a proper determination as to the merits of the charge. Please submit the requested information on or before **July 3, 2002**.

NOTE: The applicable period for responses to the items on the attached Request for Information is 090100 To 060502.

Please note the statement concerning "Preservation of records made or kept," and the "Notice of Non-Retaliation Requirements" section attached.

SUBMISSION OF MERE LISTS OR SUMMARIES NOT ACCOMPANIED BY UNDERLYING DOCUMENTS OR COPIES THEREOF IS NOT OF PROBATIVE VALUE FOR THE PURPOSE OF INVESTIGATION AND MAY NOT BE SUBSTITUTED WHERE DOCUMENTS ARE REQUESTED.

If you do not have access to documents for any information requested herein, give the name, title, address and telephone number of the person(s) having such access and to whom further inquiries should be directed.

EEOC regulations provide that prior to the issuance of a determination, the parties may resolve a charge on terms that are mutually agreeable.

IF YOU ARE INTERESTED IN DISCUSSING A SETTLEMENT, PLEASE CONTACT ME AT (414) 297-1111 WITHIN 15 DAYS OF YOUR RECEIPT OF THE 'NOTICE OF CHARGE,' AND A RESPONSE TO THE ATTACHED REQUEST FOR INFORMATION WILL NOT BE REQUIRED AT THIS TIME. HOWEVER, IF YOU ARE NOT INTERESTED IN SETTLEMENT, YOUR RESPONSE TO THE REQUEST FOR INFORMATION IS DUE BY THE DATE LISTED ABOVE.

Sincerely,

Drake Van Thiel
Supervisor

ATTACHMENTS

EEOC RULES AND REGULATIONS

Section 1601.15 of the Commission's Procedural Regulations provides that persons charged with employment discrimination, such as yourself, may submit a statement of position or evidence with respect to the allegations contained in this charge.

The Commission's Recordkeeping and Reporting Requirements are set forth at 29 CFR, Part 1602 (see particularly §1602.14(a) below) for Title VII of the Civil Rights Act; 29 CFR, Part 1627, for the Age Discrimination in Employment Act; and 29 CFR, Part 1620 for the Equal Pay Act. These Regulations generally require respondents to preserve payroll and personnel records relevant to a charge of discrimination until disposition of the charge or litigation relating to the charge. They also prescribe record retention periods -- in most cases, three years for basic payroll records and one year for personnel records. Questions regarding retention periods and the types of records to be retained should be resolved by reference to the regulations.

§1602.14 Preservation of records made or kept.

(a) Where a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII, the respondent employer shall preserve all personnel records relevant to the charge or the action. The term "personnel records relevant to the charge," for example, would include personnel or employment records relating to the aggrieved person and to all other aggrieved employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates or the same position as that for which the aggrieved person applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which the aggrieved person may bring an action in a U.S. District Court or, where an action is brought against an employer either by the aggrieved person, the Commission, or by the Attorney General, the date on which such litigation is terminated.

NOTICE OF NON-RETALIATION REQUIREMENTS

Section 704(a) of the Civil Rights Act of 1964, as amended, and Section 4(d) of the Age Discrimination in Employment Act of 1967, as amended, states:

It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

The Equal Pay Act of 1963 contains similar provisions. Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made.

NOTICE REGARDING REPRESENTATION BY ATTORNEYS

Although it is not necessary that you be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you are represented by an attorney we request that you provide the Commission with your attorney's name, address, and telephone number, and that you ask your attorney to write to the Commission confirming such representation.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

☐ FEPA

☒ EEOC

CHARGE NUMBER

260A200714

Wisconsin Equal Rights Division

State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

Mr. Arthur L. Jones

HOME TELEPHONE (Include Area Code)

(414) 358-3008

STREET ADDRESS

CITY, STATE AND ZIP CODE

6820 N 112th Ct, Milwaukee, WI 53224

DATE OF BIRTH

06/12/1946

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

City Of Milwaukee- Fire & Police Co Cat D (501 +)

(414) 286-2601

STREET ADDRESS

CITY, STATE AND ZIP CODE

800 City Hall, 200 E Wells St., Milwaukee, WI 53202

COUNTY

079

NAME

Fire And Police Commission

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

809 N Broadway, Milwaukee WI 53202

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE

☐ COLOR

☐ SEX

☐ RELIGION

☐ NATIONAL ORIGIN

☐ RETALIATION

☐ AGE

☐ DISABILITY

☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

09/01/2000 06/05/2002

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I. I was appointed by the City of Milwaukee, Fire and Police Commission November 15, 1996, as Chief of Police. I am the first African American Chief hired by the City. Since August 2000, I have been subjected to public denunciations with respect to my management abilities and my performance. Prior to August 2000, I always received excellent performance ratings. The performance evaluations for the police department, historically have been conducted on an annual basis. On May 4, 2001, I was notified that the performance evaluations of the police department would be held quarterly.

Most recently, Chairman Robert Welch (White) of the Fire and Police Commission referred to me in a racially derogatory manner, taunted me by moving both of his hands towards my chest, stating "come on", inviting me to engage in a physical confrontation with him. These comments and gestures to engage in a physical confrontation with Welch were made during a performance evaluation review. Prior Chiefs of Police of the City of Milwaukee have not been subjected to negative public comments regarding their management styles or performance or subjected to threats or derogatory comments from the Fire and Police Commission.

II. In letters dated September 1, 2001, and April 17, 2002, I informed the Fire and Police Commission, the City Attorney, the Mayor and members of the Common Council of the harassment by Chairman Welch. However, no

** Text is Continued on Attached Sheet(s) **

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month day and year)

Date

Charging Party (Signature)

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Equal Employment Opportunity Commission
Form 5 - Charge of Discrimination, Additional Text

action has been taken to correct the problem or to provide me with a work environment free of hostility that had been afforded to the previous Chiefs of Police.

III. I believe that I am being subjected to harassment, public denunciation, referred to in a racially derogatory manner, and subjected to a hostile work environment because of my race, African American, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Equal Employment Opportunity Commission

REQUEST FOR INFORMATION

Chg. Party: Jones, Arthur L
Respondent: City Of Milwaukee
Charge No.:

1. Give the correct name and address of the facility named in the charge.
2. Submit a written position statement on each of the allegations of the charge, accompanied by documentary evidence and/or written statements, where appropriate. Also include any additional information and explanation you deem relevant to the charge.
3. Submit copies of all written rules, policies and procedures relating to the issue(s) raised in the charge. If such does not exist in written form, explain the rules, policies and procedures.

Issue: HARASSMENT

1. State whether your organization has adopted any procedure by which an employee may register a complaint of harassment by co-workers or supervisors. If your answer is yes, describe and, if written, submit a copy of such procedures. Explain how these procedures are communicated to employees and supervisory personnel.
2. State whether the charging party complained to any supervisor or manager regarding the conduct described in the Charge of Discrimination. If your answer is yes, identify the person or persons with whom the complaint was registered and describe each and every action taken by your organization in response to that complaint. Provide a copy of any written document which reflects the complaint and the action taken as a result of the complaint.
3. State whether any other individual has complained to any supervisor or manager concerning the conduct described in the Charge of Discrimination. If the answer is yes, please list the following:
 - a. name, position, and race of individual placing the complaint,
 - b. name, position, and race of supervisor or manager, and
 - c. any actions taken by your organization in response to the complaint.Provide a copy of any written document which reflects the complaint and the action taken as a result of the complaint.
4. Identify every individual who, to your knowledge, has information relevant to the allegations. For each such individual, provide the following:
 - a. name, position, and race
 - b. whether a present or former employee (if applicable), and
 - c. address and telephone number.
5. Identify the other employees who worked with the charging party during the relevant period. Include:
 - a. name, position, and race
 - b. last known address and telephone number.